

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Document #

6

*Santiago*

-v-

*USA*

U.S.C.A. #

U.S.D.C. #

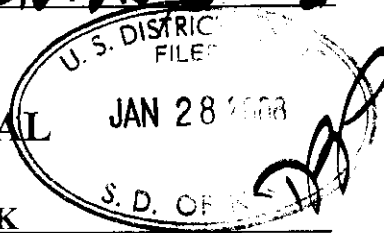
JUDGE:

DATE:

*07-cv-7595*

*KMW*

*Jan. 28 2008*



INDEX TO THE RECORD ON APPEAL

PREPARED BY (NAME): THOMAS R. PISARCZYK  
FIRM: U.S. DISTRICT COURT - SOUTHERN DISTRICT OF NEW YORK  
ADDRESS: 500 PEARL STREET, ROOM 370  
NEW YORK, NEW YORK 10007  
PHONE NO.: (212) 805 - 0636

DISTRICT COURT DOCKET ENTRIES -----

DOCUMENT DESCRIPTION	DOC. #
CLERK'S CERTIFICATE	
SEE ATTACHED LIST OF NUMBERED DOCUMENTS	

☒ Original Record ☐ Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.  
for the Second Circuit on the *28th* Day of *January*, 2008.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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*Santiago*

-v-

*USA*  
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U.S.C.A. # \_\_\_\_\_

U.S.D.C. # *07-cv-7595*

JUDGE: *KMW*

DATE: *Jan. 28, 2008*

**Clerk's Certificate**

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 5, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

Document Description

_____	_____
_____	_____
_____	_____
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In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this *28th* Day of *January* In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 232<sup>ND</sup> year.

**J. Michael McMahon, Clerk**

By \_\_\_\_\_

*[Signature]*  
Deputy Clerk

2255, APPEAL, CLOSED, PRO-SE

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:07-cv-07595-KMW**  
**Internal Use Only**

Santiago v. USA  
Assigned to: Judge Kimba M. Wood  
Related Case: 7:03-cr-01035-SCR-1  
Cause: 28:2255 Motion to Vacate / Correct Illegal Sentence

Date Filed: 08/27/2007  
Date Terminated: 12/21/2007  
Jury Demand: None  
Nature of Suit: 510 Prisoner: Vacate Sentence  
Jurisdiction: U.S. Government Defendant

Date Filed	#	Docket Text
08/27/2007	<u>1</u>	MOTION to Vacate, Set Aside or Correct Sentence (28 U.S.C. 2255). NO FURTHER ENTRIES. PLEASE SEE CRIMINAL CASE: 03-cr-1035(KMW); Document filed by Giorfelix Santiago.(jw) (Entered: 09/04/2007)
08/27/2007	<u>2</u>	APPENDIX to 1 Motion to Vacate/Set Aside/Correct Sentence (2255). Document filed by Giorfelix Santiago. Refer to 03 cr 1035.(jw) (Entered: 09/04/2007)
08/27/2007		Magistrate Judge Frank Maas is so designated. (jw) (Entered: 09/04/2007)
08/27/2007	<u>3</u>	60 DAYS ORDER.... The Clerk of Court is directed to assign a docket number to this matter. Therefore, petitioner is directed to show cause by affirmation, within 60 days from the date of this order, why the statute of limitations should not bar the instant motion under 28 U.S.C.2255, the proper jurisdictional basis to collaterally attack petitioner's sentence. Should petitioner decide to file an affirmation, it must be submitted to this Court's Pro Se Office within 60 days of the date of this order. If the petitioner fails to comply with this Order within the time allowed, the instant petition shall be dismissed as time-barred. If an affirmation is timely filed by petitioner, it shall be reviewed and then, if proper, the petition shall be reassigned to the Honorable Stephen C. Robinson as arising under docket number 03-cr-1035 (SCR). Petitioner's request to Order to Show Cause and Temporary Restraining Order and Motion for Summary Judgment are DENIED without prejudice. As petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability shall not issue. I certify pursuant to 28 U.S.C.1915(a)(3) that any appeal from this Order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 8/27/7) (laq) (Entered: 09/06/2007)
11/20/2007		PETITIONER'S AFFIRMATION of Giorfelix Santiago re: 1 Motion to Vacate/Set Aside/Correct Sentence (2255). In view of the foregoing, it is respectfully submitted that the instant motion should be premitted to proceed. Document filed by Giorfelix Santiago. (jw) (Entered: 12/05/2007)
12/21/2007	<u>4</u>	JUDGMENT that the petition is dismissed; the Court certifies pursuant to 28 U.S.C. 1915(a)(3) that any appeal from the Court's Order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 12/21/07) (ml) Modified on 12/26/2007 (ml). (Entered: 12/26/2007)
01/17/2008		Mailed notice of Right to Appeal re: 4 Judgment to Pro Se Litigant(s): Giorfelix Santiago. (Martinez, Adelaida) (Entered: 01/23/2008)
01/22/2008	<u>5</u>	NOTICE OF APPEAL from 4 Judgment. Document filed by Giorfelix Santiago. Copies sent to attorney(s) of record: A.U.S.A. (tp) (Entered: 01/25/2008)
01/25/2008		Appeal Remark as to 5 Notice of Appeal filed by Giorfelix Santiago. \$455.00 APPEAL FEE DUE. IFP REVOKED 12/21/07. COA DENIED 8/27/07.(tp) (Entered: 01/25/2008)
01/25/2008		Transmission of Notice of Appeal to the District Judge re: 5 Notice of Appeal. (tp) (Entered: 01/25/2008)
01/25/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 5 Notice of Appeal. (tp) (Entered: 01/25/2008)